



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

) Group Art Unit: 1614

)

) Examiner: Unassigned

)

INFORMATION DISCLOSURE STATEMENT

1

ROSENTHAL et al.

Serial No.: 10/728,277

Filed: December 4, 2003

Confirmation No.: 7142

Atty. File No.: 42830-10010

For: "TREATMENT OF MUCOSITIS"

CERTIFICATE OF MAILING	
<p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>7-1-04</u></p>	
<p>MARSH FISCHMANN & BREYFOGLE LLP</p>	
BY: 	<u>LORI LANE</u>

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to Applicant's duty of disclosure under 37 CFR § 1.56 and 37 CFR §§ 1.97-1.98,

Applicant hereby submits the enclosed PTO Form 1449, although Applicant does not admit that any listed documents, alone or in any combination, are considered to be material to patentability as defined in 37 CFR § 1.56(b). Moreover, the listing of these documents is not to be construed as an admission by Applicant that any such document is prior art as to the above-identified application.

Pursuant to the Official Gazette Notice of August 5, 2003, copies of any listed U.S. Patents and published U.S. Patent Applications are not being submitted herewith. Copies of any listed foreign patent and non-patent documents are submitted herewith.

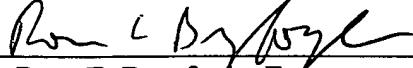
Attorney Docket No.: 42830-10010

PATENT APPLICATION

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By:



Ross E. Breyfogle, Esq.

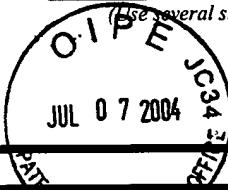
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Date: July 1, 2004

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i> 	Docket Number (optional)		Application Number	
	42830-10010		10/728,277	
	Applicant(s)			
	Rosenthal et al.			
Filing Date December 4, 2003	Group art Unit			
	1614			

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.	3,091,569	05/28/1963	SHEFFNER	167	58	
	2.	4,176,197	11/27/1979	OLSON	424	319	
	3.	4,615,697	10/07/1986	ROBINSON	604	890	
	4.	4,708,965	11/24/1987	MORGAN	514	563	
	5.	4,946,870	08/07/1990	PARTAIN ET AL.	514	777	
	6.	5,061,729	10/29/1991	KINCSES ET AL.	514	562	
	7.	5,071,644	12/10/1991	VIEGAS ET AL.	514	772	
	8.	5,221,722	06/22/1993	SEHM	526	230.5	
	9.	5,286,480	02/15/1994	BOGGS ET AL.	424	54	
	10.	5,296,500	03/22/1994	HILLEBRAND	514	562	
	11.	5,300,494	04/05/1994	BRODE, II, ET AL.	514	55	

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
A.	WO 97/20576	06/12/97	WIPO				
B.	WO 98/06438	02/19/98	WIPO				
C.	WO 01/74324 A1	10/11/01	WIPO				
D.	WO 02/36098 A1	05/10/02	WIPO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

I.	Wadleigh, R. et al. "Vitamin E in the Treatment of Chemotherapy-Induced Mucositis", The American Journal of Medicine, May 1992, Volume 92, pp. 481-484

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application

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	12.	5,358,705	10//25/1994	BOGGS ET AL.	424	54	
	13.	5,458,879	10/17/1995	SINGH ET AL.	424	400	
	14.	5,472,704	12/05/1995	SANTUS ET AL.	424	435	
	15.	5,490,978	02/13/1996	SPALTRO ET AL.	424	49	
	16.	5,593,683	01/14/1997	VIEGAS ET AL.	424	427	
	17.	5,597,849	01/28/1997	MCGINITY ET AL.	514	648	
	18.	5,635,489	06/03/1997	HALEY	514	21	
	19.	5,637,616	06/10/1997	SHARPE ET AL.	514	562	
	20.	5,744,155	04/28/1998	FRIEDMAN ET AL.	424	434	
	21.	5,817,625	10/06/1998	HALEY	514	12	
	22.	5,843,881	12/01/1998	DUBOIS ET AL.	512	1	

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

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	23.	5,861,174	01/19/1999	STRATTON ET AL.	424	484	
	24.	5,904,927	05/18/1999	AMUJI	424	422	
	25.	5,707,635	01/13/1998	DECKNER ET AL.	424	401	
	26.	5,939,485	08/17/1999	BROMBERG ET AL.	524	556	
	27.	5,993,846	11/30/1999	FRIEDMAN ET AL.	424	434	
	28.	6,013,632	01/11/2000	JONES ET AL.	514	17	
	29.	6,107,281	08/22/2000	JONES ET AL.	514	17	
	30.	6,126,930	10/03/2000	DUBOIS ET AL.	424	73	
	31.	6,150,472	11/21/2000	ENGBERS	525	404	
	32.	6,159,485	12/12/2000	YU ET AL.	424	401	
	33.	6,159,491	12/12/2000	DURRANI	424	430	
FOREIGN PATENT DOCUMENTS							
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation
							YES
							NO
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	34.	6,194,382	02/27/2001	CRAIN ET AL.	514	2	
	35.	6,207,703	03/27/01	PONIKAU	514	460	
	36.	6,231,889	05/15/2001	RICHARDSON ET AL.	424	464	
	37.	6,255,502	07/03/2001	PENKLER ET AL.	552	549	
	38.	6,291,500	09/18/2001	PONIKAU	514	393	
	39.	6,297,337	10/02/2001	MARCHANT ET AL.	526	328	
	40.	6,316,011	11/13/2001	RON ET AL.	424	401	
	41.	6,319,513	11/20/2001	DOBROZSI	424	434	
	42.	6,350,785	02/26/2002	GEHLSSEN	514	725	
	43.	6,432,415	08/13/2002	OSBORNE ET AL.	424	400	
	44.	6,458,373	10/01/2002	LAMBERT ET AL.	424	405	

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OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

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	45.	6,468,548	10/22/2002	KIS	424	400	
	46.	6,479,068	11/12/2002	SHERRATT ET AL.	424	439	
	47.	6,503,955	01/07/2003	DOBROZSI ET AL.	514	772.4	
	48.	6,565,895	05/20/2003	GODDARD ET AL.	424	653	
	49.	US 2001/0018059 A1	08/30/2001	GEHLSEN	424	401	
	50.	US 2001/0025027 A1	09/27/2001	SONIS	514	18	
	51.	US 2002/0013331 A1	01/31/2002	WILLIAMS ET AL.	514	282	
	52.	US 2002/0095001 A1	07/18/2002	GEHLSEN	514	725	
	53.	US 2002/0168334 A1	11/14/2002	JACOB ET AL.	424	78.31	
	54.	US 2003/0064913 A1	04/03/2003	SONIS	514	1	
FOREIGN PATENT DOCUMENTS							
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							YES
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>							
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